

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUCE KING,

Petitioner,

- against -

WILLIAM E. PHILLIPS, Superintendent,
Green Haven Correctional Facility,

Respondent.

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GARAUFIS, United States District Judge.

ORDER

03-CV-6045 (NGG)

Bruce King, the petitioner in this matter (“Petitioner”), has a pending petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 before this court. On May 23, 2006, after several extensions of time granted by the court, the Respondent, through the Queens County District Attorney’s Office, filed a brief in opposition to the Petitioner’s habeas corpus petition. Subsequently, in a letter dated June 9, 2006 submitted to the court, Petitioner requested the following: (1) an order directing that the Respondent’s attorney provide him with “a copy of the transcripts created in this matter and/or any documents to which the entity relied upon in preparation of its May 23, 2006, Opposition to Petition for a Writ of Habeas Corpus;” (2) that the Petitioner be given time to reply to the Respondent’s opposition brief if and once he is provided the requested documents; and (3) that he be assigned counsel in this matter. (See Pet.’s Letter Motion dated June 9, 2006). The court grants in part and denies in part the Petitioner’s requests.

With respect to Petitioner’s request for copies of the state court transcripts and state appellate briefings referenced in the Respondent’s opposition brief, the Petitioner’s application is

GRANTED. The Respondent is directed to send to the Petitioner copies of the state court trial transcript and briefings to the Appellate Division, Second Department filed in connection with the criminal case underlying the Petitioner's habeas petition. The Respondent should mail these documents to Petitioner no later than July 7, 2006.¹

The Petitioner's request for sixty days from receipt of the documents sought in which to reply to the Respondent's opposition brief is also GRANTED. The Petitioner shall submit a reply brief, not to exceed twenty-five (25) type-written pages in length, to be filed with this court no later than September 15, 2006, which provides sixty days from July 7, 2006, plus several days to account for the mailing of the Petitioner's reply brief from the correctional facility where he resides to the court.

Finally, the Petitioner's request for appointment of counsel in this matter is DENIED. In a Memorandum & Order dated May 3, 2005, I considered and denied an identical request, and I adhere to that decision. (See M&O dated May 3, 2005, at 3).

SO ORDERED.

Date: June 22, 2006
Brooklyn, New York

/s/
NICHOLAS G. GARAUFIS
United States District Judge

¹ Note that by letter dated May 16, 2006, the Petitioner notified the court of a change of address. (See Docket Entry No. 14). The documents should be mailed to the Petitioner at the following address:

Bruce King, 96A6939
Southport Correctional Facility
P.O. Box 2000
Pine City, N.Y. 14871